

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 207 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

NAVRATANLAL AGRAWAL

Versus

HIRABEN BHIKHALAL

Appearance:

MR PRAFUL J BHATT for Petitioner
Respondent served

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 07/07/97

ORAL JUDGEMENT

1. The petitioner original defendant has challenged the legality and validity of the order passed under Sec. 11(4) the Bombay Rents, Hotel and Lodging House Rates (Control) Act, 1947.

2. It appears that the landlady applied by Exh. 13 to fix the interim standard rent and to call upon the tenant to pay the interim standard rent and electricity

charges.

3. The tenant appeared and filed the written statement, inter alia, contending that he was ready and willing to pay the interim standard rent at Rs.60 and to pay Rs. 15 as electricity charges. It appears that the trial court without applying any basic principle for determination of the standard rent, arbitrarily and capriciously fixed the standard rent at Rs. 200/- per month and electricity charges as Rs. 25/- per month for the premises comprising of one room, kitchen and Osari. The trial court by the impugned order below Exh. 13, as stated hereinabove, most arbitrarily fixed the interim rent at Rs.200/- and called upon the tenant to pay Rs. 17,800/- and also directed to pay the electricity charges at Rs. 25/- per month for a period of seven years. To say the least, the order passed by the Civil Judge, J.D., Dhangadhra dated 6th November, 1992 is absolutely arbitrary, capricious and unreasonable and not sustainable in law. The interim standard rent of the premises is fixed at Rs. 80 (Rupees eighty) per month and the electricity charges is fixed at Rs.20 (Rupees twenty) per month from the date of the application and the said amount is directed to be paid within a period of six months from today. In case of difficulty, the tenant may apply to this court. Rule is made absolute. There shall be no order as to costs.

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